

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TAMIKA R. CROSS,

Defendant.

**8:21CR253**

**ORDER**

On June 15, 2023, defendant Tamika Cross (“Cross”) pleaded guilty pursuant to a written plea agreement (Filing No. 199) to one count of conspiring to commit wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349. The Court sentenced Cross on October 6, 2023, to a 42-month term of imprisonment to be followed by three years of supervised release (Filing No. 260). A significant amount in restitution was also ordered. Cross is currently serving her sentence at the Federal Prison Camp in Alderson, West Virginia (“FPC Alderson”).

Now before the Court is Cross’s *pro se* Motion for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A) (Filing No. 273). That statute allows the Court to reduce a defendant’s sentence under limited circumstances, including where they have exhausted their ability to seek relief from the Bureau of Prisons (“BOP”) and demonstrated that “extraordinary and compelling reasons warrant such a reduction.” 18 U.S.C. § 3582(c)(1)(A)(i). According to Cross, she requested sentencing relief from the warden of FPC Alderson on February 6, 2025, but never heard back. *See id.* § 3582(c)(1)(A) (permitting defendants to move for a sentence reduction after the lapse of 30 days from the date they requested such relief from the warden of their facility). She reports that serious family circumstances warrant her release and requests the Court appoint her counsel to assist her in these proceedings.

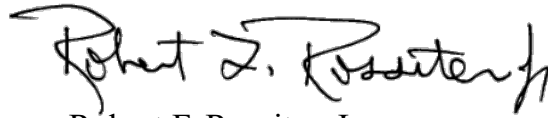
The Court finds that Cross's reported circumstances present potentially colorable grounds for relief under § 3582(c)(1)(A)(i) and that appointing counsel to assist Cross will help determine whether those circumstances warrant any reduction to her sentence. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent defendant Tamika Cross for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce her term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Cross's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Cross's request for a sentence reduction and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Cross's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Cross's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Cross's request for sentencing relief and provide any evidence necessary to the Court's disposition of her motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 15th day of April 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge